

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR INSTRUMENTATION ON/OFF

the specification of which is a non-provisional application bearing Application No. 10/662,782 and filed on July 21, 2003;

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/397,294
(Application Number)

19 July 2002
(Filing Date) (day, month, year)

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **George P. Frysingher**

Inventor's signature *George P. Frysingher* Date 10/6/2003
 Residence: **9638 Teller Ct., Westminster, CO 80021**
 Citizen of: **US**
 Post Office Address: **Same as Above**

Full name of second inventor: **Stephen E. Buck**

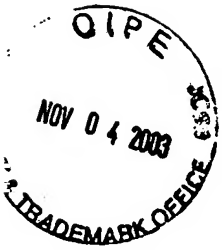
Inventor's signature *Stephen E. Buck* Date 10/6/2003
 Residence: **175 Spring Lane, Boulder, CO 80302**
 Citizen of: **US**
 Post Office Address: **Same as Above**

Full name of third inventor: **Burt Wagner** (NO MIDDLE NAME)

Inventor's signature *Burt Wagner* Date 10/6/2003
 Residence: **7133 Fairways Drive, Niwot, CO 80503**
 Citizen of: **US**
 Post Office Address: **Same as Above**

Full name of fourth inventor: **Richard A. Schmelzer**

Inventor's signature *Richard A. Schmelzer* Date 10/6/2003
 Residence: **1080 Juniper Ave., Boulder, CO 80304**
 Citizen of: **US**
 Post Office Address: **Same as Above**



Attorney Docket No: NPUL-002/01US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of George P. Frysinger, et al.

Serial No.: 10/622,782

Examiner: unassigned

Confirmation No.: 4257

Art Unit: 2122

Filed: July 21, 2003

For: **METHOD AND APPARATUS FOR INSTRUMENTATION ON/OFF**

Commissioner for Patents
Washington, D.C. 20231

**POWER BY ASSIGNEE
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

The Assignee of the entire right, title, and interest in the above-identified application hereby grants the registered practitioners of Cooley Godward LLP included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The Assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

- ☒ [x] An assignment document, a copy of which is enclosed herewith;
- ☐ [] An assignment previously recorded in the U.S. Patent and Trademark Office at Reel __, Frame __.

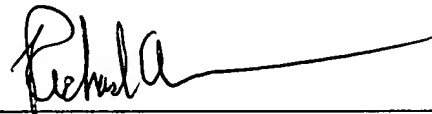
Please direct all telephone calls and correspondence to:

COOLEY GODWARD LLP
ATTN: Patent Group
One Freedom Square
Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656
Tel: (703) 456-8000
Fax: (703) 456-8100

CUSTOMER NUMBER: **022903**

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the Assignee.

Date: 10/6/2003

Signature: 
Name: **Richard A. Schmelzer**
Title: **President and CEO**
Company: **XAFFIRE, INC.**

**ASSIGNMENT
(Joint)**

George P. Frysinger, residing at 9638 Teller Ct., Westminster, CO 80021; Stephen E. Buck, residing at 175 Spring Lane, Boulder, CO 80302; Burt Wagner, residing at 7133 Fairways Drive, Niwot, CO 80503 and Richard A. Schmelzer, residing at 1080 Juniper Avenue, Boulder, CO 80304 (each referred to as "Assignor") have made an invention(s) (the "Invention(s)") set forth in an application for patent of the United States, entitled

METHOD AND APPARATUS FOR INSTRUMENTATION ON/OFF

and which is

(1) a non-provisional application bearing Application No.10/662,782 and filed on July 21, 2003.

WHEREAS, XAFFIRE, Inc., a corporation duly organized under and pursuant to the laws of Delaware, and having its principal place of business at 100 Superior Plaza Way, Suite 200, Superior, CO 80027 (the "Assignee"), is desirous of acquiring the entire right, title, and interest in: the Invention(s); the application for patent identified in paragraph (1); the right to file applications for patent of the United States or other countries on the Invention(s); any application(s) for patent of the United States or other countries claiming priority to these application(s); any provisional or other right to recover damages, including royalties, for prior infringements of these applications; and any patent(s) of the United States or other countries that may be granted therefor or thereon.

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, and to the extent that the Assignor has not done so already via a prior agreement with the Assignee, or if the Assignor has already done so via a prior agreement with the Assignee then in confirmation of any obligation to do so in said prior agreement, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns, the Assignor's entire right, title, and interest in:

- (a) the Invention(s);
- (b) the application for patent identified in paragraph (1);
- (c) the right to file applications for patent of the United States or other countries on the Invention(s), including all rights under the Paris Convention for the Protection of Industrial Property and under the Patent Cooperation Treaty;
- (d) any application(s) for patent of the United States or other countries claiming the Invention(s);
- (e) any application(s) for patent of the United States or other countries claiming priority to the application for patent identified in paragraph (1) or any application(s) for patent claiming the Invention(s), including any division(s), continuation(s), and continuation(s)-in-part; and
- (f) any provisional or other right to recover damages, including royalties, for prior infringements of any application for patent identified in the proceeding paragraphs (b)-(e); and

(g) any patent(s) of the United States or other countries that may be granted for or on any application for patent identified in the preceding paragraphs (b) – (e), including any reissue(s) and extension(s) of said patent(s).

The above-granted rights, titles, and interests are to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made.

The Assignor hereby represents to the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, or if applicable, at such time said prior agreement was executed, the Assignor is a lawful owner of an undivided interest in the entire right, title, and interest in and to the Invention(s), that the Invention(s) are unencumbered, except, if applicable, by obligation to assign in accordance with said prior agreement, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner set forth herein.

The Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that the Assignor will sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done in connection with any and all proceedings for the procurement, maintenance, enforcement and defense of the Invention(s), said applications, and said patents, including interference proceedings, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns.

The Assignor hereby authorizes and requests the attorneys of COOLEY GODWARD L.L.P. to insert in the spaces provided above the filing date, the application number, and the attorney docket number of the application identified in paragraph (1) when known.

The Assignor hereby requests the Commissioner of Patents to issue said patents of the United States to the Assignee for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date: 10/15/03 By: George P. Frysinger
George P. Frysinger

State of <u>Colorado</u>	ss.
County of <u>Boulder</u>	
On <u>15 October 2003</u> , before me, <u>George P. Frysinger</u> , personally appeared <u>George P. Frysinger</u> , personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.	
WITNESS my hand and official seal.	
<u>[Signature]</u>	Expires <u>11/13/05</u> Place Notary Seal Above
Signature of Notary Public	

Date: 10/15/2003By: Stephen E. Buck

Stephen E. Buck

State of Colorado)

SS.

County of Boulder)

On 15 October 2003, before me, Stephen E. Buck, personally appeared before me, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

William Smith
Signature of Notary PublicExpires 11/13/05 Place Notary Seal AboveDate: 10/15/2003By: Burt Wagner

Burt Wagner

State of Colorado)

SS.


County of Boulder)

On 15 October 2003, before me, Burt Wagner, personally appeared before me, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

William Smith
Signature of Notary PublicExpires 11/13/05 Place Notary Seal Above

Date: 17 October 2003

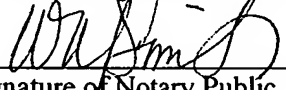
By: 
Richard A. Schmelzer

State of Colorado)

County of Boulder)
 SS.

On 17 October 2003, before me, Richard Schmelzer, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


 Signature of Notary Public

Expires 11/13/05 Place Notary Seal Above